



VILLAGE OF BISCAYNE PARK
640 NE 114TH STREET
BISCAYNE PARK, FL 33161
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Mayor and Commission

Roxanna Ross
Mayor

Steve Bernard
Vice Mayor

Robert "Bob" Anderson
Commissioner

Albert Childress
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES

REGULAR COMMISSION MEETING

Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161

Tuesday, February 1, 2011 at 7:00PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:08PM. In addition to Mayor Ross, present were:

Vice Mayor Steve Bernard
Commissioner Bob Anderson
Commissioner Al Childress
Commissioner Bryan Cooper

Present from staff were:

Village Manager Ana Garcia
Village Clerk Maria Camara
Attorney Chris Ambrosio
Finance Director Michael Arciola
Police Chief Mitchell Glansberg
Public Works Director Bernard Pratt
Public Works Administrative Assistant Cesar Hernandez
Parks & Recreation Director Issa Thornell
Building Official Sal Annese

3 Pledge of Allegiance and Moment of Silence

The pledge of allegiance was led by the junior and varsity members of the Youth Soccer Program.

4 Presentations

Parks & Recreation Coordinator Issa Thornell introduced the junior and varsity members of the Youth Soccer Program, and the instructor of the program, Coach Joe Ademet.

Police Chief Mitchell Glansberg introduced the police officers of the year:
> Officer of the Year - Lawrence Churchman

- > Investigator of the Year - Ray Atesiano
- > Supervisor of the Year - Captain Antonio Sanchez

5 Additions, Deletions or Withdrawals to the Agenda

Vice Mayor Bernard adds an item for discussion on the FPL pole replacement project. It is added as item 13e under New Business.

Commissioner Cooper requests that the Manager provides her comments on the information provided by Tom Leach during her report.

6 Public Comments Related to Agenda Items / Good Welfare

Linda Dillon - Training session recommendations from Soloff's report; handout provided for each commissioner

Fred Jonas - Item 13d, Art Review Committee

Tracy Truppmann - Fencing of corner lots, height of hedges, corner visibility

Dan Samaria - Idea of a town hall meeting

Doug Tannehill - Resolution 2011-02 Support of Port of Miami Deep Dredge Project.

Barbara Watts - Resolution 2011-02 Support of Port of Miami Deep Dredge Project; Resolution 2011-08 Regulating Pill Mills; Resolution 2011-07 Selling of MetLife stock; Resolution 2011-09 Kimley-Horn Traffic Engineering agreement; Art Review Committee; FPL pole replacement

Mayor Ross provided a summary of Roberts Rules of Order as it applies to the running of the Commission meetings.

7 Village Manager Report

Manager Garcia expressed her gratitude to the Police Department and the seamless relationship with all other Village departments and the community.

Manager Garcia provided a status/report on:

- > Tree City USA designation has been received by the State and in process.
- > Will be looking at the next US Forestry grant cycle for new opportunities.
- > Manager and Clerk will be participating in a training seminar on ethics from the Florida Cities and County Manager's Association.
- > Doing a complete review of Village wide security and will be getting quotes from current alarm services provider.
- > Looking to implement a weekly Saturday village-wide sweep by Public Works to keep up with the activity that occurs on weekends.
- > Manager and Finance Director will meet with resident Tom Leach to review the report he provided and will come back to the March meeting with a report.

Village Clerk Camara provided a status/report on:

- > Residents can utilize a public records request form to obtain a DVD copy of commission meetings that is available 30 days after the date of the meeting, or an audio CD copy that is available 3 days after the date of the meeting.
- > Looking into a mail box drop at Village Hall for residents.
- > Reminded entire commission to include the VOBP archives e-mail on all e-mails, including e-mail blasts to residents.
- > Working with Finance Director Arciola to create an RFP to obtain quotes for IT service providers on upgrade of our IT infrastructure.

Finance Director Arciola provided a status/report on:

- > HTE accounting software.
- > Monthly financial report for January 2011 will be available and sent to the Commission by the following week.
- > The Florida Retirement System completed an audit of the Village and is currently reviewing their findings and will report back to the Commission on the results.
- > MetLife stock background and history.

Commissioner Childress arrived at 8.09PM

8 Consent Agenda

Commissioner Bernard pulls item 8a, the minutes for December 2, 2010, December 7, 2010, January 11, 2011 and January 20, 2011, for discussion. Also pulls item 8e, Resolution 2011-10, which is moved to agenda item 11.c.

Commissioner Cooper pulls item 8d, Resolution 2011-09, which is moved to agenda item 11.d

Left on consent are items 8b, 8c, 8f, and 8g.

Commissioner Childress makes a motion to accept the items left on the consent agenda. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

Item 8a: On the minutes of December 2, 2010, and December 7, 2010, Vice Mayor Bernard makes a motion to approve the minutes with the additions he provided. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All opposed: Mayor Ross, Commissioner Anderson and Commissioner Childress

Motion fails: 2/3

Commissioner Childress makes a motion to approve the minutes of December 2, 2010, and December 7, 2010, as submitted by the Clerk. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Anderson and Commissioner Childress

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

Vice Mayor Bernard makes a motion to defer the minutes for both January 11, 2011, and January 20, 2011, to the March 1, 2011 meeting and will provide his additions and corrections to be considered by the Commission.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard and Commissioner Cooper.

All opposed: Commissioner Anderson and Commissioner Childress

Motion carries: 3/2

9 Public Hearings

< None >

10 Ordinances - First Reading

Ordinance 2011-01

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "DEFINITIONS" **BY ADDING DEFINITIONS FOR FENCES AND CORNER SIDE YARDS** AND AMENDING THE DEFINITION FOR HEDGE; AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES ", BY AMENDING SECTION 11.6; **ADDRESSING CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED CHANGES**; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Attorney Ambrosia read the title of the ordinance.

Mayor Ross opened the meeting for public comment on the ordinance:

- > Dan Keys
- > Steve Secary

Code Review Board member Gary Kuhl represented the board in place of the chair, Gage Hartung, who was not able to attend.

After discussion, a motion made by Vice Mayor Bernard to direct the Code Review Board to craft language to add to the ordinance to allow fencing in the front yard with the following:

- > A maximum of a 3' opaque masonry wall

> Additional maximum of 3' ornamental iron or aluminum
for a total of up to 6'.

> Or 6' maximum of ornamental iron or aluminum with concrete pylons every so
many feet, to be determined.

It was seconded by Commissioner Anderson

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Anderson and
Commissioner Cooper.

Opposed: Commissioner Childress

Motion carries: 4/1

A motion made by Commissioner Anderson to direct the Code Review Board to
craft language to add to the ordinance to allow fencing on the side yard of a corner
lot allowing:

> A maximum of 5' with allowable materials and requiring hedging to be placed
along the side that abuts the neighbor.

It was seconded by Vice Mayor Bernard

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Anderson and
Commissioner Cooper.

Opposed: Commissioner Childress

Motion carries: 4/1

After further discussion on allowing picket fences, gates, and fencing materials,
Commissioner Childress requested that additional discussion on this be done
through a workshop to get input from all residents. There was consensus to
schedule a workshop to review the entire ordinance and all proposed additional
changes and language.

Meeting tentatively scheduled for Thursday, February 24, 2011, at 7:00PM.

Meeting order changed to discuss items 11b and 11d.

11 Resolutions

Resolution 2011-06

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE
OFFICIALS TO **EXECUTE THE AGREEMENT FOR STORMWATER SERVICES
PHASE III BETWEEN THE VILLAGE AND MAGNA CONSTRUCTION, INC;**
PROVIDING FOR AN EFFECTIVE DATE.

Manager Garcia provided background on the resolution and introduced the owner
of Magna Construction, Inc., Mitch Tourino.

Commissioner Childress makes a motion to accept the Manager's recommendation to approve the resolution. It was seconded by Commissioner Anderson.

Vice Mayor Bernard asks for an amendment to the motion to add a one year warranty clause to the agreement and to strike the fourth whereas clause in the agreement where it states the Manager negotiated the contract. The amendment was accepted by Commissioner Childress and added that the Manager is to review the agreement with the Village attorney for any additional required language.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

Resolution 2011-09

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO **EXECUTE THE AGREEMENT FOR TRAFFIC ENGINEERING AND PLANNING SERVICES BETWEEN THE VILLAGE AND KIMLEY-HORN & ASSOCIATES, INC.**, PROVIDING FOR AN EFFECTIVE DATE

Manager Garcia provided background on the resolution and introduced Greg Kyle from Kimley-Horn & Associates.

Commissioner Childress makes a motion to accept the Manager's recommendation to approve the resolution. It was seconded by Commissioner Anderson.

Vice Mayor Bernard asks for an amendment to the motion to add that Kimely-Horn provide an estimate on the project and to set a limit to not exceed.

The Mayor asked for all those in favor of the amendment:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All opposed: Mayor Ross, Commissioner Anderson and Commissioner Childress

Request to amend the motion fails: 2/3

The original motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

Meeting order resumed.

Ordinance 2010-14

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE VI ENTITLED "FINANCE" BY ADDING SECTIONS 2-76 "DEFINITIONS" AND 2-77 "**AUTHORITY TO MAKE INTRADEPARTMENTAL BUDGET AMENDMENTS BY VILLAGE MANAGER**" TO ESTABLISH PROCEDURES BY WHICH THE VILLAGE MANAGER MAY AUTHORIZE AMENDMENTS WITHIN DEPARTMENT BUDGETS WITHOUT VILLAGE COMMISSION APPROVAL; AMENDING CHAPTER 2, ARTICLE VIII TO HAVE REFERENCES TO THE DIRECTOR OF FINANCE REPLACED WITH VILLAGE MANAGER THROUGHOUT ARTICLE VIII AND AMENDING CHAPTER 2, ARTICLE VIII REFERENCING BUDGET APPROPRIATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Ambrosia read the title of the ordinance.

The second reading of this ordinance was deferred from the last meeting to date certain February 1, 2011. At the last meeting, a change was made to the ordinance to include a limit of \$900 of inter department transfers.

Mayor Ross opened the meeting for public comment on the ordinance:
> Fred Jonas

Commissioner Childress makes a motion to change the limit of the inter department transfers to 40%, and anything above would come back to the Commission.

After discussion, Commissioner Childress withdraws his motion due to lack of a second.

Mayor Ross asks for a reconsideration of the vote taken to add the \$900 limitation which would require any of those that voted in the affirmative to make a motion to rescind it.

Vice Mayor Bernard asks for an appeal to the request made by the Chair.

Mayor Ross requests a five minute recess.

The meeting resumes and Attorney Ambrosio clarified that any Commissioner on the prevailing side that voted for the \$900 limit at the last meeting can make a motion to rescind it.

Commissioner Childress makes a motion to rescind the addition of the \$900 limit of inter department transfers. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Anderson and Commissioner Childress

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

Commissioner Anderson makes a motion to adopt the resolution as to its original form. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Anderson and Commissioner Childress

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

At 11:00PM, Vice Mayor Bernard makes a motion to extend the meeting for an additional 20 minutes. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

11 Resolutions

Resolution 2011-02

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA EXPRESSING SUPPORT FOR FEDERAL FUNDING IN SUPPORT OF THE PORT OF MIAMI DEEP DREDGE PROJECT; DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE APPROPRIATE OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE

A motion made by Vice Mayor Bernard to approve. It was seconded by Commissioner Anderson.

Commissioner Childress requests an amendment to the original motion to add that when copies of the resolution are transmitted, that a cover letter is added expressing the Village's concern in the increase of rail traffic along the eastern border of the Village.

The Mayor asked for all those in favor of the amendment:

All in favor: Mayor Ross, Commissioner Anderson, Commissioner Childress, Vice Mayor Bernard and Commissioner Cooper.

Request to amend the motion carries: 5/0

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress,
Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

Resolution 2011-10

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA ESTABLISHING THE COST FOR
ADDITIONAL/UNSCHEDULED TRASH REMOVAL; PROVIDING FOR AN
EFFECTIVE DATE**

A motion made by Vice Mayor Bernard to approve. It was seconded by
Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, and
Commissioner Anderson.

All opposed: Commissioner Cooper

Motion carries: 4/1

12 Old Business

Mayor Ross: Report on King Day of Service

Mayor Ross provided a summary on the donations collected, expenditures and
possible future projects discussed.

Vice Mayor Bernard makes a motion to extend the meeting for an additional 15
minutes. It was seconded by Commissioner Cooper.

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All opposed: Mayor Ross, Commissioner Anderson and Commissioner Childress

Motion fails: 2/3

The Clerk read the announcements:

Announcements

All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th
Court, Biscayne Park.

Monday, February 7th - Planning & Zoning at 6:30PM

Tuesday, February 8th - Special Primary Election starting at 7:00AM until 7:00PM.

Wednesday, February 9th - Recreation Advisory Board at 6:30PM

Tuesday, February 15th - Code Enforcement at 7:00PM

Wednesday, February 16th - Parks & Parkway Advisory Board at 6:00PM.

Tuesday, February 16th - Code Review at 7:00PM

Thursday, February 17th - Ecology Board at 6:30PM

Monday, February 21st - All Village departments closed in observance of President's Day.

Tuesday, February 22nd - Planning & Zoning at 6:30PM

Wednesday, February 23rd - Code Review at 7:00PM

The next regular commission meeting is Tuesday, March 1, 2011, at the Church of the Resurrection due to the elections taking place at the recreation center.

Motion made by Commissioner Childress to adjourn and seconded by Commissioner Anderson.

The meeting was adjourned at 11:30PM

Commission approved on March 1, 2011.



Roxanna Ross, Mayor

Attest:



Maria Camara, Village Clerk